

Barham—

DISTRICT OF COLUMBIA STATEHOOD

CONSTITUTIONAL CONVENTION

Plenary Session

5:38 p.m., Tuesday
May 18, 1982

Auditorium
University of the District
of Columbia
929 E Street, N. W.
Washington, D. C.

Delegates Attending

BALDWIN (Vice President)
BARNES
BLOUNT
BRUNING
CASSELL (President)
COATES
COOPER (Secretary)
CORN
CROFT
FREEMAN (Vice President)
GRAHAM
HARRIS (Vice President)
HOLMES
JACKSON
JOHNSON
JONES
JORDAN
KAMENY
LOCKRIDGE
LONG
LOVE
MAGUIRE
C. MASON
H. MASON
B. MOORE
T. MOORE
NIXON
OULAHAN
PARAMORE
ROBINSON
ROTHSCHILD
SCIIRAG
SIMMONS
STREET
THOMAS

P R O C E E D I N G S

MR. BALDWIN: Mr. Secretary, will you call the roll, please.

[Secretary calls the roll]

Thank you, Mr. Secretary. The agenda for tonight is as follows: Item 1, second reading of the preamble; item 2, the treasurer's report; item 3, proposed rule revisions; item 4, the possibility of a second reading of the judiciary.

Mr. Kameny?

MR. KAMENY: I point out to the delegates that there is a clean copy of the adopted preamble for second reading in your mailboxes now; many of you may not have picked it up. The text is the same, but the copy is different from the one that was in your mailboxes last night, a cleaner looking copy.

MR. BALDWIN: Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I was called at 11:30 today and told there would be a second reading of the judiciary articles at 4 o'clock. I reported here at 4; it is now 5:30.

I have prepared a motion to defer consideration of the judiciary article, the second reading, until all other articles had passed their first reading.

I would therefore like to move, Mr. Chairman, that the second reading of any article shall be deferred until all other articles have passed their first reading. I have stated the grounds for this motion in my pamphlet that I put together for the delegates, in accordance with the rules.

MR. BALDWIN: Delegate Oulahan, the motion would be out of order, because I gave you the proposed agenda and the order that we will follow. When we come to the judiciary, then yours will be in order.

MR. OULAHAN: Mr. Chairman, I have to abide by your ruling, but I would like to state that I believe we are setting a very bad precedent by bringing the preamble in now. It means that four other committees, particularly the Committee on the Bill of Rights, are sitting out there with plenty of time to file their reports, and they have certainly done a disservice to this Convention by tying us up.

MR. BALDWIN: The Executive Committee met and we would like to proceed with this agenda.

I would like for the Secretary at this time to read the rules regarding second reading, on page 13, beginning with item D.

MR. COOPER: Item D of the Convention Rules, Second Reading. Paragraph 1.

[The Secretary reads the rules]

MR. BALDWIN: Thank you. I am sure that all of you realize the constraints that are on us as far as time is concerned, and one of the reasons I had in having the Secretary read the rules--we would adhere to the rules. We adopted these rules, and we are going to follow the rules regarding second reading tonight.

Thank you.

The first item ---

Delegate Brian Moore?

MR. MOORE: Yes, Mr. Chairman, we had a brief discussion prior to the beginning of the meeting, and I would like a clarification for the body.

It was my understanding, and the way I interpreted the rules for second reading, that if ideas were proposed during the first reading, that the delegate could present them, but that he would need a two-thirds vote of the body during the second reading.

Is that correct?

MR. BALDWIN: Not true, the rules are self-explanatory. I am sure you have read them, and we are not going to spend any time debating the rules. The first requirement--and let's just run through them briefly--you see,

this is how we lose time, the Secretary just read them--so now I am going to do this for you just this once, and then we are going to move the agenda.

The first rule says "If the Committee on Style and Drafting calls an inconsistency to the attention of the Convention, a majority of those delegates present and voting may correct that inconsistency."

So what the procedure would be, when the chairperson or the acting chairperson of Style and Drafting reads the preamble, the Chair will ask: Madame Chairperson, did you discover any inconsistencies? At that time, the chairperson of Style and Drafting will [inaudible]. And then it says: "At this time, further debate by delegates shall be unlawful."

So first we will put the inconsistencies on the floor, there will be debate, and we will vote on it.

And that is the procedure we are going to follow.

Secondly, it says, still on second readings: "On second readings, an amendment shall be in order only if..."--and I repeat that: "...shall be in order only if..." If what? "(a) the amendment had been introduced in substance by a delegate for consideration by the substantive committee before that committee reported the article for first reading,

unless this requirement is waived by the committee chair;
and (b) the text of the proposed amendment has been typed and
circulated for all the delegates."

Those are the requirements for second reading;
those are the requirements we are going to follow.

And I will hear from Delegate Barnes, and we will
proceed.

MR. BARNES: I just have a question. What is the
schedule now for first readings, when will they resume?

MR. BALDWIN: That will come as the last item on
our agenda tonight, so if we get the other things out of the
way, we could continue the first readings.

MR. BARNES: And that will be Local Government
first?

MR. BALDWIN: Delegate Barnes, that will come at
the end, please. We are going to explain the whole process,
what's left, how many hours we think it will take to com-
plete--at the end of our agenda tonight, before we adjourn.

At this point I will call on Ms. Graham to present
the second reading of our preamble.

MR. B. MOORE: Mr. Chairman.

MR. BALDWIN: Ms. Graham.

MR. B. MOORE: I asked a question and I would like

to follow up with a comment on your interpretation of the rules.

MR. BALDWIN: I answered your question prior to the meeting, during the meeting, two weeks ago, three weeks ago. I am sure, Delegate Moore, I will not be able to answer the question to your satisfaction, so I'm sorry.

MR. B. MOORE: Well, then, it's just my understanding that the only amendments that will be allowed by the body to be presented will be amendments that were proposed to committee chairmen prior to submission to the plenary session?

MR. BALDWIN: That's what it says, exactly that.

MR. B. MOORE: So no minority reports are permitted?

MR. BALDWIN: That's exactly right, sir. Minority reports only came on the first reading.

So we will have Delegate Graham come forward and read the preamble, the second reading, and point out to us whether or not there are any inconsistencies.

Delegate Graham?

MS. GRAHAM: Good afternoon, everyone. Will the members of the Style and Drafting Committee take these chairs up here. I would like to have you join me as I present this

to the Convention.

If you look at line 1, "We, the people of the free and sovereign state of _____, seek to secure and provide for each person: health, safety and welfare; a peaceful and orderly life; and rights to legal, social, and economic justice and equality."

That is just as it appeared in the first reading. Should we receive comments now, or move on?

MR. BALDWIN: Did you read the entire preamble?

MS. GRAHAM: No. I could go on through the whole thing, if you wish.

MR. BALDWIN: Read the preamble, please.

MS. GRAHAM: Thank you. "We recognize our unique and special history and the diversity and pluralism of our people, and we have determined to control our collective destiny, maximize our individual freedoms, and govern ourselves democratically, guaranteeing to each individual, and the people collectively, complete and equal exercise and protection of the rights listed herein.

"We reach out to all people of the world in the spirit of friendship and cooperation, certain that together we can build a future of peace and harmony.

"Therefore, being mindful that government exists

to serve every person, we do adopt this Constitution and establish this Government."

MRS. MASON: Move approval.

MR. BALDWIN: Ms. Graham, did you note any inconsistencies that you need to report to this body?

MS. GRAHAM: The only thing that we did to make a change, Mr. Chairman, was to delete the comma after line 5, "special history," and that was all.

MR. BALDWIN: Move the adoption, please.

MS. GRAHAM: Mr. President, I move the adoption of the preamble as read.

MRS. MASON: Second.

VOICE: Second.

VOICE: Second.

MR. BALDWIN: It's been moved and properly seconded that the preamble as read be adopted at second reading.

Discussion?

Delegate Long?

MR. LONG: Mr. Chairman, I would like to get an opinion from the legal counsel as to the force of law of this preamble, that is, can any suit be brought by any person on the basis that this preamble is not observed by any action of the state?

MR. BALDWIN: This is not the time for it. The time for that would have been at first reading. As the chair directed you, sir, we are going to follow these rules tonight.

MR. LONG: What are the rules that prohibit a question to the legal counsel at this point?

MR. BALDWIN: Suppose he says, yes, we need to amend it--no amendment would be in order. So you may go over and ask him and then take whatever action later on. The purpose of second reading is to deal with inconsistencies, number one; second, for those delegates who, for whatever reason, the substantive committee did not allow them, to bring it before this body.

MR. LONG: I'm not asking for an amendment; I'm asking for an opinion as to whether or not I can vote for the preamble. It's relevant information at this point.

MR. BALDWIN: General counsel, do you want to respond to that?

MR. THOMAS: No, I don't think a suit could result from this preamble.

MR. LONG: Thank you.

MR. BALDWIN: Thank you. Delegate Rothschild, please.

MR. ROTHSCHILD: I would like to introduce a

substitute preamble, one that was considered in the first reading and one that is before us tonight.

My reasons are basically that I don't find the flow of ideas in the preamble that we adopted in the first meeting really to be uplifting and read in a poetic way. I am not necessarily saying mine does, but I offer this as an alternative, and I request to read such.

MR. BALDWIN: No, sir, you may not.

MR. ROTHSCHILD: I am offering it as a substitute amendment.

MR. BALDWIN: You cannot offer a substitute amendment at second reading.

MR. SCHRAG: Point of order.

MR. BALDWIN: Yes, what's your point of order, sir?

MR. SCHRAG: Mr. President, there are very limited restrictions under which a delegate may offer an amendment or substitute at second reading, and I believe that Mr. Rothschild's proposal actually is within those limited restrictions.

MR. BALDWIN: What are you basing it on?

MR. SCHRAG: On the rule that Secretary Cooper read, that is, it meets all of the tests: it was distributed to all of the delegates in writing, and it was proposed to

the committee before first reading. It requires a two-thirds vote to approve his amendment, but it is in order to make.

MR. BALDWIN: I would like to refresh your memory, Delegate Schrag, and I am sure the notes you keep you have it in writing anyway. At the night we discussed this item, Delegate Rothschild came before this group, keeping in mind we devoted two and one half hours to the preamble--Delegate Rothschild came in--the chair that time was Delegate Cassell, our president--and he allowed Delegate Rothschild, in the form of an amendment, to put his minority report through. I had problems with it then, because I told the chairman--the chair said let's just let him do it. I told him the only way he should have been allowed to do that was in the form of a minority report, and the chair said this is our very first one, let's allow him. So Delegate Rothschild did in fact take his minority report item by item and this group voted it down. Therefore, we will not listen to it again tonight.

MR. SCHRAG: So it's because it was exactly the same one before.

MR. BALDWIN: Identically the same; he stood and read it, and we voted on it.

MR. ROTHSCHILD: But the whole idea of offering

an amendment on ---

MR. BALDWIN: Do you deny that you did in fact read your complete minority report and we acted on it? Do you deny that?

MR. ROTHSCHILD: Yes, but I also think that ---

MR. BALDWIN: I'm sorry, do you deny that?

MR. ROTHSCHILD: No, I do not deny that.

MR. BALDWIN: Thank you.

MR. ROTHSCHILD: But I also, as a point of order, think that my proposing this as a substitute falls within the rules of this Convention to propose something on second reading.

I would like to know the rule and why it is not acceptable.

MR. BALDWIN: Number one would be reconsideration; second, our rules, as Delegate Cooper read, would not allow it, and therefore it would be out of order, Delegate Rothschild.

MR. ROTHSCHILD: The rules that he read said it was before the committee before first reading and that it is before the [inaudible] typed.

MR. BALDWIN: That is the chair's ruling: we will not debate it. You may appeal this decision, and we will move

on.

MR. ROTHSCHILD: All right, I appeal the decision. I think that I fall well within the rules for our second reading; it was offered before the committee, before first reading, it was offered before the Convention earlier and ---

MR. BALDWIN: Is there a second to his appeal?

MS. CORN: Second.

MR. BALDWIN: The appeal has been seconded.

MR. ROTHSCHILD: And I think I am entitled, in spite of what you may think of the preamble, or waste of time--it's probably wasting more time than I would have just having read it--I think I am well within my rights, and if nothing else just to have the rules enforced properly I think people should stand up and go against your ruling.

MR. BALDWIN: Thank you. I will rebut and then we will vote.

This requires a two-thirds vote of fellow delegates.

My rebuttal is this. Number one, by your own admission we have acted on it; secondly, it is in violation--if we allow you to do this, it would be in violation of our rules, page 13.

That is my rebuttal, we shall now vote, and it takes

— two-thirds vote.

Those in favor of ---

MR. ROTHSCHILD: Sir, could you state the specific rule, not just the page? What is the rule?

MR. BALDWIN: The rule deals with second readings, page 13.

MR. ROTHSCHILD: Which says what?

MR. BALDWIN: The same language that Mr. Cooper read, and I read it; it's been read twice to this body.

MR. ROTHSCHILD: Well, I think I fall within that rule.

MR. KAMENY: Point of order, Mr. Chairman. The debate at this point between the delegate and you is not in order. You have made your rebuttal; we now go to vote. Thank you.

MR. BALDWIN: All in favor of sustaining the chair signify by a show of hands.

MR. COOPER: 14.

MR. BALDWIN: Those opposing the chair's ruling, a show of hands.

MR. COOPER: 7.

MR. BALDWIN: Abstentions?

MR. COOPER: 1.

MR. BALDWIN: The chair's ruling stands. We will move on.

Ms. Graham, will you proceed, please?

MR. B. MOORE: Mr. President, am I in order now to make a substitute motion?

MR. BALDWIN: No, you are not.

MR. B. MOORE: When will I be in order to do that?

MR. BALDWIN: Delegate Graham, will you proceed.

MR. B. MOORE: I would like to be instructed by the chair when I would be in order to make a substitute motion on the preamble?

MR. BALDWIN: No one can make a substitute motion on this; it's in violation of our rules.

MS. CORN: Point of order, Mr. Chairman.

MR. B. MOORE: Maybe I am using the wrong term, but what I am saying is I have another preamble to present to the body, and I have permission of the chairperson of the committee to waive the rules to do that, and I would like to know when ---

MR. BALDWIN: The chair can't give it, this body can give you--the chair waives [inaudible] for the committee when they presented it at first reading, they can waive their rules.

MR. T. MOORE: Point of order.

MR. BALDWIN: Yes, delegate.

MR. T. MOORE: Yes, I am a little concerned. On the second reading, notwithstanding the rules, can we do anything at all but just listen and just pass on it, vote one way or the other? I just want to know that, because it appears that we can't do anything in accordance with the rules. So I want to know that for certain. 'Do we just listen and vote, or what? What do we do?

MR. BALDWIN: Mr. Moore, based on our rules--and, as I say, I have a problem with them also--if we are going to follow our rules; now, we may waive--if this body decides that we want some debate, we want to allow someone to bring in amendments, then, you know, just suspend the rules and decide that. I have no problems with that. But I am just trying to follow the rules.

MR. T. MOORE: So what do we do, just listen and proceed to the next one, just sit here?

MS. CORN: Point of order, Mr. President. Point of order, Mr. President.

MR. BALDWIN: Maybe there's a lot of confusion, so I will just listen to the parliamentarian.

The parliamentarian states that, yes, we must follow

the rules, but if the chair, his interpretation--and we will be bound by his ruling--if the chair of the Style and Drafting Committee would waive, he said, and allow amendments to be taken tonight, then the body should in fact follow that.

MR. SCHRAG: Point of order.

MS. CORN: Point of order, Mr. President.

MR. SCHRAG: Point of order.

MR. BALDWIN: Go ahead, Ms. Graham.

MS. CORN: Ms. Graham is not the chair.

MR. SCHRAG: Point of order, Mr. President.

MR. BALDWIN: Yes, Delegate Schrag.

MR. SCHRAG: Mr. President, I think the parliamentarian is correct in his ruling, except that the chair in question is the chair of the substantive committee--if you read Section 3.A., it's not the chair of the Style and Drafting Committee that is the relevant chair who may waive, the chair of the Preamble and Rights Committee.

MR. BALDWIN: The parliamentarian says he concurs with you, Delegate Schrag. The chairperson is in fact Delegate Moore. In his absence it is Charlie Mason.

Mr. Mason, will you accept tonight any amendment to our proposal as read?

MR. MASON: Mr. Brian Moore asked me to waive the

requirement of his having previously filed it with the committee. I told him that I would raise that only under one condition, and that is that he would not talk more than two minutes.

MR. BALDWIN: Since our rules allow us to recess for two or three minutes, it might be good that you meet with your committee to see if your committee does in fact want you to waive tonight, Delegate Mason; it will only take a second, if you will step right outside the door.

Delegate Mason, the parliamentarian said proceed as you suggested, that you gave him two minutes?

MR. MASON: I said I would waive on condition that he would not talk more than two minutes.

MR. BALDWIN: Okay.

MR. THOMAS: Mr. Chairman.

MR. BALDWIN: Delegate Thomas, Delegate Holmes, and Delegate Jackson.

MR. THOMAS: Mr. Chairman, I think we have put ourselves in a very bad position. I remember the night that the chair of that committee came here and made one of the most beautiful speeches in the world to get this passed, and I think it's a disgrace to the people of the city of Washington that he has not been back here one day since, and

he is an elected official; and he comes here and puts something before us, and we go through all this rigmarole, and he hasn't come back since. And now he will put the weight on Mr. Mason.

I think it's a shame for him to even have run to work in this Convention and not to stay here and take care of the responsibility of this Convention.

MR. BALDWIN: That's fine, Brother Thomas, but we do have a vice chair that the committee elected, and in the absence of the chair we had to turn to Delegate Mason.

Delegate Holmes and Delegate Jackson.

MS. HOLMES: Mr. Chair, I feel that before Brian Moore puts his two-minute speech on the floor with the preamble, I think the committee should step out and discuss this matter first, and then give him the two minutes, and then it could roll a little faster than what it's doing. If you are going to let Brian speak, then somebody else has got to get up and speak, and then somebody else, then after that; then we have to out here and make a decision whether the committee is going to accept this.

MS. CORN: Point of order, Mr. President.

MR. BALDWIN: I felt that way, too, but our parliamentary has the ruling; we will follow that.

MS. CORN: Point of order.

MR. BALDWIN: Delegate Jackson?

MR. JACKSON: I think there are certain problems here. Number one is that we could find all kinds of [inaudible]. This could in fact be considered a reconsideration of where the chair of the committee would have to have [inaudible]. Mr. Mason voted for it, and she could perhaps, too, but not a single committee, Mr. Chair, at this body where the committee was not consulted on anything for them to take into consideration. Mr. Brian Moore knew the rules very well, and they have discussed it. This comes back to a point of reconsideration [inaudible].

So if we waive this, we are waiving the Convention down the drain.

MR. BALDWIN: Thank you.

MR. BRUNING: I move the order of the day.

MR. BALDWIN: The order of the day has been moved. It is in order. And, Delegate Graham, you may proceed.

Delegate Moore, I think I know what you are trying, okay? So you are not to speak until the chair recognizes you, and I didn't recognize you then.

Delegate Graham, will you allow Delegate Moore to have two minutes, based on what Delegate Mason said, to

present his amendment?

Delegate Moore?

MR. B. MOORE: Thank you. All of you or most of you probably have the preamble before you. I proposed it because I heard a lot of disgruntlement among a number of delegates as to certain points within the preamble. I phoned Jerry Moore today and attempted to leave a lot of messages; I phoned Frank Kameny as well--realizing the delicacy of doing this at the last minute. But I feel that it includes many, many ideas that both Mr. Kameny and Reverend Moore and all the other members of the committee have presented; it's just in a shorter form.

So I would like to read it. It goes as follows:
"Recognizing our unique geographic position and long residential history within the shadows of our nation's capital, we, the people of the District of Columbia, unite together to form a compact of the free state of _____. We seek to secure the same basic freedoms afforded our fellow Americans and acknowledge the sacrifices entailed [sic] of us in achieving our independence. And we wish to assure the greatest good for the greatest number of people living within our diverse and pluralistic communities. We openly extend the spirit of friendship and cooperation to our neighboring

states and to all the peoples." I am eliminating the last three words which are "of the world."

"Therefore we adopt this Constitution."

It's simple, it's straightforward, and it includes the basic ideas.

MS. CORN: Second.

MR. B. MOORE: And I ask your support, your consideration of this proposal.

MR. BALDWIN: Delegate Jackson?

MR. JACKSON: Sir, I speak opposed to the amendment. [Inaudible]. Let us use the wisdom of the committee, which worked long and hard. Everybody is complaining about the bill of rights now, but we have worked hard to get it like we have worked hard to get this.

Vote it down.

MR. BALDWIN: Delegate Bruning, Delegate Kameny.

MR. BRUNING: I move the previous question.

VOICE: Second.

VOICE: Second.

MS. CORN: Point of order, Mr. Chairman.

MR. BALDWIN: Based on what the parliamentarian says, we need at least a couple of more speakers, two on each side.

Delegate Oulahan. Mr. President, I speak in support of the motion made by Brian Moore. First, I would like to point out that the argument made that the committee worked hard to produce the draft means absolutely nothing. We have had some committees that have been working for months, and just because they worked for months, that doesn't mean we have to bow down and [inaudible].

Secondly, I believe that Brian Moore has captured the true intent of our constitution better than the phraseology of the original preamble. I am the one whose preamble lost that night, and I [inaudible], but I think Mr. Moore has better stated a preamble that is suited for all the people of the District of Columbia rather than the special interest groups that put their input into that preamble and into the other sections of the Constitution.

Therefore I ask you to support Delegate Moore's preamble.

MR. BALDWIN: Delegate Kameny and Delegate Holmes.

MR. KAMENY: Thank you, Mr. President. Delegate Moore is incorrect when he says he has captured the basic ideas in the preamble which was adopted on first reading; he has lost idea after idea after idea after idea after idea. As the committee members can tell them, we went over that

preamble word by word, and every word in that and every phrase conveys ideas all of which have been sloughed off, blurred out, and lost in Delegate Moore's proposal.

The committee adopted the proposal unanimously. The Convention adopted that preamble, as I recall it, unanimously after discussing every word and phrase in it; we went over it, the Convention discussed it, the ideas in it, including the vast number of them left out by Delegate Moore. For him to come in at this point as a one-person committee, as a one-person convention, and attempt to undo everything that this Convention did is absolutely obscene at this point.

I urge that his preamble, the whole preamble, be voted down, and that the preamble which you in your wisdom adopted by a sizable majority on first reading, and which has not been changed, be adopted forthwith on second reading.

[Scattered applause]

MR. OULAHAN: Point of order.

MR. BALDWIN: Delegate Oulahan, state your point of order.

MR. OULAHAN: Mr. President, I move that the word "obscene" be stricken as unparliamentary, and that the speaker apologize for using it. I don't mind on the committee, but that's a low-handed word to use.

MR. BALDWIN: The chair will advise that it is stricken. We have adhered to the rule of two. A motion to termination debate is in order.

MS. HOLMES: I so move.

VOICE: Second.

MR. BALDWIN: It has been moved and properly seconded that we terminate debate.

Those in favor signify by saying "yes."

[Chorus of "yes"]

Those opposed, nay.

[One or two "nay"]

Abstentions?

[No response]

The yeses have it, and the debate has been terminated.

MS. GRAHAM: Mr. Chairman, I move that we adopt the preamble as read.

MS. CORN: Point of order, Mr. Chairman.

MR. BALDWIN: I would like to put the vote on the amendment.

Now that we have terminated debate, what's on the floor is Delegate Brian Moore's amendment.

Those in favor of Delegate Brian Moore's amendment

signify by a show of hands.

MR. COOPER: 4.

MR. BALDWIN: Those opposed?

MR. COOPER: 20.

MR. BALDWIN: Any abstentions?

MR. COOPER: 3.

MR. BALDWIN: The motion has been rejected and we are back to the original motion.

MR. ROTHSCHILD: Mr. President, is it in order for me to ask the chairman of the Committee if I might make my [inaudible]?

MR. BALDWIN: Not at this time, sir.

MR. ROTHSCHILD: The rules seem to apply to me, but not to ---

MR. BALDWIN: You cannot stop the business of this Convention. You may come up and ask him.

Delegate Graham?

MS. GRAHAM: Move the adoption of the preamble as read.

VOICE: Second.

VOICE: Second.

MR. BALDWIN: It's been moved and properly seconded that we adopt the preamble at the second reading.

Any discussion?

MR. OULAHAN: Roll call vote.

MR. BALDWIN: A roll call vote has been called for.
Are there three other delegates who support Delegate Oulahan?
Roll call is lost.

Those in favor of adopting the preamble at its
second reading signify by a show of hands.

MR. COOPER: 21.

MR. BALDWIN: Those in opposition, a show of hands.

MR. COOPER: 6.

MR. BALDWIN: Abstentions, a show of hands.

MR. COOPER: None.

MR. BALDWIN: Fellow delegates, the second reading
of the preamble has been adopted.

The next item on the agenda is a report from our
treasurer, Delegate Teresa Jones.

While Delegate Jones is coming forward, there is a
matter that we can discuss at this point.

Delegate Kameny, Delegate Freeman, Delegate Corn,
Delegate Barnes.

There is an item that the chair will entertain some
brief discussion regarding; that is the second reading of
the Judiciary Committee, the judiciary article.

In our last night's session, Style and Drafting presented us with the judiciary articles for second reading. Later on during this session it was pointed out that there was possibly some conflict with a section of the state court budget.

You found in your box today that section of the adopted article or section. I think Delegate Schrag placed it in the boxes, and at this point I would ask Delegate Schrag to read it and respond to it.

This is for your information. What we are attempting to do now is provide you with as much information so that we can then move if time permits into the judiciary section reading.

MR. SCHRAG: Mr. President, last night I pointed out to this body that it was adopting a provision with respect to the budget of the courts that was somewhat inconsistent with the plan that had been adopted on the floor when we debated the judiciary article, and I suggested the unwisdom of doing that, but I was not voted by the body.

Nevertheless, I went back and drafted a merged section so that we could get to this article tonight while we have so little competing for floor time. And I placed that in everybody's box. It reads "Amendment to Judiciary Article,

Section 14."

And all this is is a merger of the section that we passed in debate on the judiciary article and the section that we passed in the debate on the finance and tax article. It just cumulates the requirements of those two sections; it doesn't delete anything, it doesn't resolve anything one way or the other in favor of one and against the other. It simply adds both sets of requirements, and they are perfectly consistent; there is no inconsistency between them. It just puts all the things in one place.

I will read that for the body so you can see what I am talking about. It reads "Before each fiscal period, the Chief Justice of the Supreme Court shall submit to the Governor a budget for the judicial system, including detailed estimates of necessary appropriations and expenditures, full term operating and capital improvements projections, and a qualitative and quantitative description of court activities. The Governor shall transmit the proposed budget to the Legislature without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission, but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the Legislature."

You can see the first part of this comes from Finance and Tax, the second part comes from our own judiciary article. What would be required to bring this before the body tonight at the appropriate time would be for Mr. Blount to waive objection to this being introduced; Mr. Blount, as chair of the Judiciary Committee, could waive objection. And this has been introduced to all delegates in writing, and it would a two-thirds vote, because of the fact that this is a second reading, and it is not coming from the Style and Drafting Committee--it didn't have time to deal with it today; the Style and Drafting Committee has worked on the legislative article. It would require a two-thirds rather than a majority vote, but it's not controversial, and I don't think there is any reason to think at all that it would not get a two-thirds vote or, indeed, close to a unanimous vote.

So I think this matter would not preclude our taking up the judiciary article tonight.

MR. BALDWIN: May I ask the chairman of the Judiciary Committee to come forth please and respond whether or not he has any objections to a waiver.

MR. BLOUNT: Having already discussed this, if there are no objections from members of my committee, I will so waive the requirements.

MR. BALDWIN: Thank you. At this point it is fitting and proper that Delegate Oulahan has a motion to defer.

MR. OULAHAN: Thank you, Mr. President. After I was notified at 11:30 today that we were going to meet at 4 o'clock to have a second reading of the judicial article, I drafted what is pages 1 and 2 of the motion which you now have in front of you.

Four committees have been unable thus far to produce all of the reports that are required. Whatever the reasons for the failure, these committees ought to have been required to produce their reports long ago.

The result is that we have been brought nearly to a standstill. The Convention has no work to do unless it considers, on second reading, the Judiciary Committee report.

It seems to me that the orderly conduct of this Convention requires that we have the reports reviewed by us on first reading from every committee before we go to the second reading, otherwise, so we don't have the kind of problems that Mr. Schrag just brought up, and also we will know exactly what it is we are voting for.

If the procedure of having a second reading tonight of the judiciary article--which is why I objected to the

reading of the preamble--we will never receive the Bill of Rights article until about two days prior to May 29th, at which time we will be force-fed in voting for or against one of the most important articles we have.

I therefore move to adopt a resolution, Mr. President, that reads as follows:

The second reading of any article shall be deferred until all other articles have passed their first reading.

VOICE: Second.

VOICE: Second.

MR. BALDWIN: It's been moved and properly seconded that we defer consideration of the judiciary article on second reading.

Discussion? Delegate Kameny, Delegate Schrag, Delegate Robinson.

MR. KAMENY: Mr. President, I rise to oppose in the strongest terms possible Delegate Oulahan's motion, which I think is extremely ill-advised in view of the considerations which are impinging upon all of us, the consciousness of all but an obvious few, that May 29th is rapidly moving up upon us. We have an obligation to ourselves individually, to this Convention collectively, and to the people who elected us to

utilize our time to the maximum efficiency possible, and that means that when there is identifiable work to be done in a situation in which it can be done, it be done.

This evening we have identifiable work, namely, the second reading of the judiciary article, in a situation in which it can be done, namely, this Convention. And, therefore, it behoves us to do it.

The objections raised by Mr. Oulahan are in part in error and in part irrelevant. What other committees may or may not have done has nothing whatever to do with our consideration of the article on the judiciary. Whether those committees are to blame or whether they have worked hard on a long task and simply haven't been able to get their work done, or whatever may perhaps be judged at some other time, if judged at all--but is not here to be judged this evening nor are aspersions to be cast upon them properly this evening. The matter before us is the article on the judiciary.

Inconsistencies may be identified by procedures set out in our rules by the Committee on Style and Drafting, and those avenues of identification and rectification of inconsistencies are not being closed off by proceeding with the second reading of the article on the judiciary. If you read your rules, you will find that out.

Therefore, there are no circumstances which recommend the deferral proposed by Delegate Oulahan, and many compelling circumstances which require that we move ahead expeditiously and without further delay to proceed with consideration on second reading of the article on the judiciary, and therefore I urge you to vote against Delegate Oulahan's proposal.

Thank you.

MR. BALDWIN: Delegate Schrag?

MR. SCHRAG: I also speak against Delegate Oulahan's motion, but I want to address what I think is a valid point that Delegate Oulahan has. He says "If this procedure is allowed by the Convention, I foresee the Bill of Rights article being considered and debated on one day, reported for second reading on the second day, and debated on second reading the third day."

In other words, he is worried about something going through too fast for us to really know what we are doing. I think that is a valid concern and that we have to be on guard against it as we move through this next ten days or so of the Convention.

But that is not this case. We should look at each case on its merits. In this case we have had a full debate

of the judiciary article; we had it in plenty of time for the first reading, we had very thorough consideration of it on the floor, it was presented by giving notice as required by the rules for second reading. We are not waiving any of our rules.

Consider it tonight; it is perfectly in order to bring it up tonight.

And the case that Delegate Oulahan is worried about, the case where the rules are waived to accelerate consideration of an article, that should be considered on its merits, if and when that comes up; that is a completely different case than this one. We are not setting a precedent by considering this article for second reading now. I think we should consider first readings and second readings in a totally different vein. Second readings are a matter of reconsidering the mistakes that were made on first reading and considering what the Style and Drafting Committee has done. That is the point of second reading. We need about a day's wait to look those over, and we have got a day's weight in this case. That is different from waiving the rules to accelerate debate. I don't think that is what is before us at the moment.

MR. BALDWIN: Delegate Robinson?

MR. ROBINSON: Mr. President, I also speak against

Mr. Oulahan's proposal. However, it is my contention that the Convention must be on guard against slipping through of any article in a rapid-fire reading of articles.

MR. BALDWIN: Delegate Brian Moore.

MR. B. MOORE: I speak in favor of Delegate Oulahan's proposal before the floor. The concern about time limitations almost goes out the door because of our consistent lateness and tardiness at arriving for meetings. There has been a minimal number of delegates who have arrived on time.

VOICE: He's out of order, Mr. President.

MR. B. MOORE: We had to wait a considerable amount of time for other delegates to arrive. And then to be told that we don't have time to wait to address these articles properly seems to me a little bit hypocritical.

MR. BALDWIN: Delegate Moore, please speak to the

MR. B. MOORE: So my point is, I think that we can afford, for the sake of democracy and well-thought thoroughness and [inaudible] on our part to address these articles in the order that they are proposed for the first reading, and then go on to the second reading.

MR. BALDWIN: Delegate Corn.

MS. CORN: I would like to briefly sum up the rules. This is rule 3.3A. "At least three calendar days before the first reading, at least one calendar day before the second reading, and at least one calendar day before the third reading, the Secretary or his designee shall deliver to each Delegate by Convention mail the committee proposal and other relevant documents and any other minority proposals.

I would like to ask Delegate Cooper: did you in fact deliver by Convention mail the Style and Drafting article on judiciary within twenty-four hours of right this minute? It is now 6:33.

MR. COOPER: No.

MS. CORN: Therefore, sir, I would submit that in order to have the judiciary article tonight ---

VOICE: That's out of order.

MS. CORN: --- we either will have to suspend the rules or totally ignore them, and then you have a farce.

MR. BALDWIN: As you know--I am sure you do, as chairman of the committee--we have not been submitting anything by Convention mail. This article was passed out last night, 24 hours, and ---

MS. CORN: What time last night, may I ask?

MR. BALDWIN: And each of us received a copy.

MS. CORN: May I ask, sir, what time?

MR. BALDWIN: I'm sorry, we are not sure of the exact time; it was last night.

MS. CORN: Was it before or after 6:30?

MR. BALDWIN: I am not sure of the exact time.

Delegate Blount?

MR. BLOUNT: I move the previous question.

VOICE: Second.

VOICE: Second.

MR. BALDWIN: The previous question has been called for, terminating debate.

Those in favor signify by saying yes.

[Chorus of "yes"]

Those opposed, nay.

[No response]

Abstentions.

[No response]

The amendment that is before you now is the Oulahan amendment.

Those in favor of adopting the Oulahan amendment signify by a show of hands.

MR. COOPER: 8.

MR. BALDWIN: Those opposed.

MR. COOPER: 18.

MR. BALDWIN: Abstentions.

MR. COOPER: 3.

MR. BALDWIN: The Oulahan amendment has been rejected.

MR. OULAHAN: Point of information.

MR. BALDWIN: Yes.

MR. OULAHAN: May I ask the chair if we can know when the other reports are going to be presented to us so that we can plan our time?

MR. BALDWIN: As I responded to Delegate Barnes, that is on the agenda tonight. That is the fourth item on the agenda.

MR. OULAHAN: Thank you.

MR. BALDWIN: We now have the Schrag amendment.

MR. SCHRAG: Point of order. Mr. Chairman, I think that the proper procedure would be for Delegate Graham to present the article for second reading and for this amendment to be inserted at the proper place when we come to it in order.

MR. BALDWIN: Yes, that's in order, okay. We will do it that way.

MS. CORN: Point of order, Mr. President.

MR. BALDWIN: Mr. Blount, who is chairing that committee, has agreed earlier that he would accept. The only question now is exactly when, so let's wait till we get to that point in the article, and then he would, you know, make the proper [inaudible].

MS. CORN: Point of order, Mr. President.

MR. BALDWIN: State your point of order, please.

MS. CORN: I have a minority report which I have distributed tonight, and it has fallen within the twenty-four-hour time period.

MR. BALDWIN: That is not a minority report, and our rules do not allow accepting a minority report.

MS. CORN: Sir, point of order, our rules do not allow you not to accept a minority report from Style and Drafting.

MR. BALDWIN: As was pointed out to me earlier, you and I cannot get involved in a debate; you may challenge the rule of the chair.

MS. CORN: I challenge your ruling.

MR. BALDWIN: Make your motion, say "I appeal the ruling of the chair."

MS. CORN: I appeal the ruling of the chair on the grounds that our rules do not speak to whether or not a

member of the Style and Drafting Committee can or cannot make a minority report. Since all committee members and all the committees are allowed to make a minority report within twenty-four hours ---

MR. BALDWIN: Is there a second.

MR. B. MOORE: Second.

VOICE: Second.

MS. HARRIS: Point of information.

MR. BALDWIN: State your point of information.

MS. HARRIS: I think the rule refers to substantive committees making a minority report.

MR. KAMENY: Yes, exactly.

MS. HARRIS: Style and Drafting is not a substantive committee. Therefore, making a minority report from that committee is totally out of order. That committee's responsibility is to edit and write what we have done, and there should be no minority report coming out of that.

And, Mr. Chair, I move that you rule that out of order.

MS. CORN: He has already.

MR. BALDWIN: What we have on the floor is an appeal; she is challenging me, I will rebut, and then we will vote.

MS. CORN: I would like to speak to my ---

MR. BALDWIN: After I speak, you may.

MS. CORN: All right.

MR. BALDWIN: I refer you to rule 3.2, chapter 3, of our procedures for drafting the constitution, and it reads: "A minority proposal may then be offered on the floor as an amendment to or substitute for a committee proposal." This deals with after twenty-four hours you submit it to the Convention, and all of this deals with our procedures for first reading. Therefore, that was the basis for the chair to rule, because we are now dealing with second reading.

MS. CORN: I have submitted a minority report because Style and Drafting Committee did not act in accordance with the way it had been set up. It was set up to have four subcommittees. When each subcommittee finished its report, it was supposed to go to a steering committee of the four subcommittee chairs; then it was to come before the entire Style and Drafting Committee. The middle step was eliminated; therefore, I did not have the opportunity to put in the stylistic changes that I felt were necessary to make this a cleaner document, easier to read, better organized.

Since our rules do not speak to whether a member

from the Style and Drafting Committee may or may not submit a minority report, there is nothing in the rules to not allow it, I therefore maintain that I am allowed to do it, and it is for the betterment of this document, and I hope that you will accept at least part of it for the better organization of this document.

MR. BALDWIN: Thank you, Delegate Corn. The only thing the floor can do at this point is to vote.

Those in favor of sustaining the chair in his interpretation of Rule 3.2, signify by a show of hands.

MR. COOPER: 23.

MR. BALDWIN: Those opposed.

MR. COOPER: 3.

MR. BALDWIN: Abstentions.

MR. COOPER: 3.

MR. BALDWIN: The chair has been sustained.

MR. BRUNING: Point of personal information.

MR. BALDWIN: Yes, please.

MR. BRUNING: I am really disturbed that in our Style and Drafting we have essentially two different reports coming out, and I am wondering is this indicative of the situation we are going to find ourselves in in others? Because I want Style and Drafting coming out with one piece of

information for the whole body.

MS. CORN: May I respond to that?

MR. BALDWIN: A point of information only requires the chair to respond.

MS. CORN: I am the chair.

VOICE: No, you are not.

VOICE: Ms. Graham.

MR. BALDWIN: We will ask Ms. Graham and her committee to come forward, please.

MS. CORN: Point of order, Mr. President, I am the chair.

[Chairman gavels for order]

MR. BALDWIN: I think at this point we will attempt to straighten it out.

MR. ROBINSON: Point of information, Mr. Chairman.

MR. BALDWIN: Yes, Delegate Robinson.

MR. ROBINSON: Thank you, sir. Mr. President, I am confused, and I would like for the chair to please straighten me out, and I believe in the process many of us here will be straightened out, in terms of who, conventionally speaking, is actually the chair of the Style and Drafting Committee.

MR. BALDWIN: I am getting ready to respond to that.

MR. ROBINSON: Thank you, sir.

MR. BALDWIN: Last Thursday night, Delegate Corn before this august body resigned from the chairmanship of the Style and Drafting. The First Vice-President was presiding in the absence of the President. As you know, he acts for the President. I had to accept her resignation; I did in fact act the First Vice-President of that committee, in the name of Ms. Graham, to assume those duties and responsibilities.

The President of this body, as you know, had the responsibility of appointing chair, and he may overrule what I did at any time, even at this moment, this would be in order.

VOICE: Mr. President, has he so done, overruled you?

MR. BALDWIN: No, he has not as yet, and at such time our delegates will be bound by whatever he does.

MR. COOPER: Point of information. I want to know if the President of this Convention, who is the only person who can appoint, can remove, chairs of operating committees has in fact removed Ms. Corn as the chair? I think, to resolve this, it only takes a statement from the President of this Convention.

MR. BALDWIN: I think, if you would allow, I would call on him, Delegate Cooper. He had his hand up; he was ready to respond.

Now, number one, she was not removed, she resigned.

MS. CORN: Point of order, point of order.

MR. BALDWIN: Mr. President, would you speak to this issue?

MR. CASSELL: Yes. Fellow delegates, I think that the First Vice Chairperson has acted responsibly and has taken the only action that he could have under the circumstances, and that was to take an action on the spot after the resignation, stated publicly for the record by the chairperson of the Style and Drafting Committee. Subsequently to that, members of that Committee asked the President to appoint a new chairperson, specifically the vice chairperson, who was there for the purpose of acting in the absence or the death or the removal of the chairperson.

My response to that request was that I would like to have a recommendation from that committee indicating that they in concert have requested that their vice chair indeed be appointed. I have indicated that when that request is made from the committee, from the floor, that I would act on it and I would act favorably, if that was the consensus of

the committee.

That apparently has not taken place yet, because, I am advised, as of the beginning of this meeting there was not a quorum of that committee that could make that recommendation.

I stated to Delegate Schrag, who made that request, that if there is one person present in that committee working and functioning--and this is not a matter that has to go before a vote--the President can take the action. I just want a recommendation from that committee inasmuch as I was not here nor did I actually hear the resignation. I am prepared tonight to rule in the event that a recommendation comes from at least one person from that committee.

I am sitting in the audience tonight because there are some housekeeping matters that have to be taken care of, and I thank the vice chairperson very much for conducting the meeting.

MR. BALDWIN: Thank you, Mr. President. At this point I will ask the ---

MS. CORN: Mr. Chair.

MR. COOPER: May I raise a point of personal privilege?

MR. BALDWIN: Not unless you are a part of that

committee.

MR. COOPER: Point of personal privilege.

MR. BALDWIN: Yes, point of personal privilege.

MR. COOPER: [Remarks deleted by request of Delegate Cooper and so ruled, without objection, by the chair].

MR. BALDWIN: Delegates Simmons, Jordan, Schrag, Nixon, and Robinson, in this order.

MS. SIMMONS: Mr. President, I would like to speak to the issue before the house at this moment, for the simple reason that I think that what the President has done demonstrates the humane and fair manner in which he has attempted to function in this body. And I think it has taken a lot of patience, and I think that understanding the exhaustion, physically, so that there is both psychic and real energy of this body, he does indeed, not being present, I think advisedly receive from those who were present and the persons who worked directly under the chair, who did resign verbally to this body, to take that action is not ---

MS. CORN: Point of order, Mr. President.

MS. SIMMONS: I resent not being able to finish my sentence, Mr. President.

MR. BALDWIN: Delegate Corn, we must keep order.

MS. SIMMONS: I don't think I should have to be

interrupted; I haven't consumed that much air time.

My point is that, with all due respect to my Ward 4 fellow Delegate Cooper, I believe that it is in the interest of decency and fairness, coupled with prudence and maturity, that permits our President to make the suggestion and to receive from that body the recommendation that he has requested. And I, as one member of that committee, would like to ask that the Style and Drafting members present now adjourn for three minutes to make that decision, to bring it to the President, whatever the consensus of the majority of those here and now present should wish to share with this body.

VOICE: I second that.

VOICE: Second.

MR. BALDWIN: You may be excused, the Style and Drafting Committee.

MS. CORN: Point of personal preference.

MR. BALDWIN: The committee may be excused.

MS. CORN: Point of order, Mr. Chair.

MR. BALDWIN: State your point of order, please.

MS. CORN: I would like to make something very clear for the record. When Harry Thomas resigned from the judiciary in front of this body and did not follow it up with a letter of resignation in writing, it was not considered a valid

resignation. The night after I resigned here, I spoke to Charles Cassell on the phone and told him that I had reconsidered. I thereupon called the members of the Style and Drafting Committee, that I had reconsidered and receded.

VOICE: They don't want you anymore.

MS. CORN: It seems to me that you should have one [inaudible] in the resignation on anything does not require a written resignation, that's one thing; but all other resignations have to be in writing.

MR. THOMAS: Point of personal privilege.

[Laughter]

[Chair gavels for order]

Mr. Chairman, at this point I would like to clear the record. I did resign from that committee, but my resignation was under very much different circumstances than yours, and at no time have I ever made the statement that I didn't come here to work for statehood--and you made some remarks in the elevator that I think that you should not be on the committee, because you said you was here to sabotage and not to work for statehood.

MS. CORN: I never said that.

MR. THOMAS: You did say that; I heard you say it in the elevator.

[Chair gavels for order].

MS. CORN: You did not hear that.

MR. THOMAS: So that's the difference.

MR. BALDWIN: There is a major difference between the two. Number one, Delegate Harry Thomas was placed on that committee by his fellow delegates from his ward. This body cannot take him off, they can send him back and they can place whoever they wish to recommend. So there is no comparison between the two.

Delegate Jordan?

MR. JORDAN: Yes, Mr. Chairman, that is precisely the point I wanted to make.

I don't know why we are here debating this issue, and I don't know if there is a hidden reason for it. I just want to make the point clear that under Section 2.5 of our Rules of the Convention, it does not say that the President appoints, it says that the President designates. There is a difference between the designation of the chair--that is the first point that has to be made.

The second point is that implicit in this section, since serving on these committees is voluntary--and, if you want, we can go to Section 2.4--Section 2.3 of our Rules which spells out how you get to be a member on the various

committees, you will see that membership on the substantive committee is not a matter of choice. In the instance of service on the operating committees, which are Rules and Calendar and Style and Drafting, you serve on those committees by choice.

And there is another point, Mr. Chairman: members have indicated that they want to serve on some of the operating committees, and members have gotten off of the two operating committees. And, Mr. Chairman, this issue of whether or not a chairman can resign, it should be no different in a way that you treat the chairperson of an operating committee and a delegate to that operating committee. They serve as a matter of choice. As a member on that committee, they serve as a matter of choice, as the chairperson of that committee, Mr. President, serves. So I think that the issue is very clear, and some of these arguments and some of these attacks that have been made are unfair to our President, to our Vice President; I think the delegate who has raised on this point is mature enough and intelligent enough to understand what her intentions were when she left this Convention floor and said I resign.

Now, this body had no way of knowing what her response was going to be. But, Mr. Chairman, I would just

like to note, too, that Section 2.5 of our Rules, E, says that in the absence of the chair of an operating committee, the committee can go on to elect someone to serve in their place. That-is precisely what the committee did, and the committee has continued to function.

One last point. There is an established principle, a legal principle, if you leave a job, you have abandoned the job, whether you sign a resignation or not. At this crucial time, when this Convention needed to work with Style and Drafting more so than it ever needed it, a delegate abandoned that responsibility, Mr. Chairman, and I am not persuaded nor am I sympathetic to that delegate when they stand on the floor now and say that they want to come back. I think that they made a decision and they must stand by that decision.

MR. BALDWIN: Thank you, very, very good points. You touched on many points that I am sure these delegates were either not aware of, didn't know that they exist, or had in fact forgotten them.

Delegate Robinson.

MR. ROBINSON: Mr. President, fellow delegates, I stand to speak against the reappointment of the chairperson of the Style and Drafting Committee.

It was clearly within the province of the Vice

President ---

MR. BALDWIN: Delegate Robinson, will you excuse me just one second.

Would you inform the committee that we are expecting them back any time now.

I'm sorry, Delegate Robinson.

MR. ROBINSON: It was clearly within the providence [sic] of the First Vice President to appoint a substitute person as chairperson of the Style and Drafting Committee.

I stand quickly to state that I was present when the chairperson of the Style and Drafting Committee stated-- and I should like to quote her--that no one, quote, on the committee is able to write with the expertise with which I write, and the entire Convention will then go down in disgrace.

And I say to this body that if we are to allow, if we are to compensate such behavior by reinforcing it and allowing this person to come back, then I say to you that the entire process from November to now will have been sabotaged and all our efforts will have been in vain.

[Applause]

MR. BALDWIN: Delegate Cassell, President Cassell.

MR. CASSELL: May I suggest that you ask that

committee to come back and make their report.

MR. BALDWIN: Yes, Dr. Austin will bring them in.

[Brief pause in the proceedings]

Will the meeting please come to order. At this time I turn the gavel over to President Cassell.

MR. CASSELL: Will someone make a report for the Style and Drafting Committee?

Delegate Kameny, have you been properly selected, do you speak for that committee?

MR. KAMENY: Informally, there seems to be a--yes. The committee decided that if there is a vacancy in the chair, the committee would recommend that Chestie Graham be appointed to fill it.

MR. CASSELL: Thank you. Let me read what I have from the committee.

"If there is a vacancy, we, the undersigned members of the Style and Drafting Committee, hereby the President of the D. C. Constitutional Convention to appoint Delegate C. Graham as chairperson of the Style and Drafting Committee for the duration of this Convention." And it is signed by seven persons on that committee.

The chair declares that, based on the information passed on to him, there is a vacancy at this time, and the

chair does appoint Chestie Graham as the chairperson of the Style and Drafting Committee.

[Applause]

I turn the gavel back to the Vice President.

MR. BALDWIN: Thank you, Mr. President.

Delegate Graham, will that committee come forward please.

Just a second, I would like to proceed to the second item of the agenda. Delegate Jones?

MS. JONES: I believe everybody in the audience has the treasurer's report for the month of April, and you can see the categories in the first column, budget in the second column, what was suggested for two months, and year-to-date expenditures. For delegate stipends, we had actually spent \$52,914; for the current month of April, we spent \$26,430. Our unexpended balance, as you will see, [inaudible] staff conference space and our contractual services and our impressed funds.

I would like to impress upon this delegation that we have less money than we need to finish this Convention, so we ought to be stingy, if nothing else, with the way we spend our money.

I would like to say that the projected May budget

will be out on Saturday, and we have projected for May, and we have also revised the budget to move any unexpended balances, to put it in contractual services in case all of those things are used for this Convention.

If there are any in-kind services that anybody can bring to this Convention, I wish they would. If you know somebody else who would like to bring some in-kind services to this Convention, I wish you would ask them to do so.

Our court reporting services are enormous. The payment for court reporter services is enormous, and I am saying to you that in order to have all the secretaries that we need--and I am not saying all the secretaries that we want, because some of the things that people have asked for have been outrageous; I am saying the things that we need, and we need some money to do this.

.So I am saying be careful what you ask for, make sure it's what you need, and I certainly will come to you and ask you to justify it when you ask for it.

If there are any questions on this budget, please feel free to ask them.

Delegate Talmadge Moore?

MR. T. MOORE: I just wanted some information, Ms. Jones. What is "impressed funds," what is that anyway?

MS. JONES: That's our petty cash.

MR. T. MOORE: Petty cash?

MS. JONES: Yes. Delegate Coates, and then Delegate Robinson.

MR. COATES: You said we are overspending, but I don't understand. I see you have a second column there that says "monthly 1/3," and I see the unexpended balance exceeds what is pro-rated for each month.

MS. JONES: That was for the first two months. Remember here in May, our court reporting services went almost 100 percent, well, about 120 percent really. Okay, the secretaries that we took on; we took on ten secretaries. We took on other staff people to do certain things. The repair of machines that we got from the warehouse that didn't work, and we had to have the repairman in on Saturday, and we had to pay him one-third over what he would normally have cost if we could have gotten him to come at another point, which he would not.

The paper, the expense of the paper that this Constitutional Convention uses far exceeds what my imagination would have ever projected.

So I am saying that money, you know, is not one of our strong points.

Delegate Robinson.

MR. ROBINSON: Madame Chair, I would like to ---

MS. JONES: No, honey, I'm the treasurer.

[Laughter]

MR. ROBINSON: Madame Treasurer, I would like to ask if the delegates of this Convention, all 45 of us, could not, in an act of good faith, suspend receiving compensation in order to fund the Convention fully for its duration. Considering, Madame Treasurer, that that magic date of May the 29th, May the 30th, is not far away, would you entertain such a motion, or would you be in favor of that suggestion?

MS. JONES: Delegate Robinson, you would have to give that to the chairman, Delegate Baldwin, and let him entertain that for the floor, and as to my recommendation I would not like to give that at the moment.

Delegate Coates.

MR. COATES: Is action indicated with respect to a request for additional funding? Delegates' stipends or per diem notwithstanding, it appears to me that we will overspend for essential staff and support services, and I don't hear in the report that we have adopted or anticipate any provision to accommodate that surplus.

MS. JONES: Yes, we have made requests of members

of the City Council and corporations here in the city; some have been agreeable, some have said maybe, and some have left a larger question mark. But we will have some support from those people. We have not gotten that in writing yet, that's the reason why I am not presenting it formally before this body.

We have had one donation from Pepco, which was appreciated, needed, and used.

President Cassell?

MR. CASSELL: I would just like to say, Delegate Coates, that we have advised the Mayor's office, we have advised the D. C. City Council, that we are running out of funds, and that area in which we consume funds fastest, as has been said, is in court reporting services. And we have been in the United States courts, the District of Columbia courts, and as many corporations as we have had an opportunity to ask.

The courts are sympathetic, but since there is always a possibility that there may be litigation involving this Convention, they cannot be involved. The City Council has indicated that they are sympathetic, and they simply said: make a request. And we have made that request, indicated to them what we think we will spend per day, and the number of

— days that will be left. At the time we made that request, there were nineteen days left. At the hearing at which they discussed the change of the dates we are voting on the Constitution and on Senators and Representatives, they brought up the issue of the money. And the Chairperson of the City Council urged the Mayor's office to consider some reprogramming, and he indicated that they would entertain our request.

It appears that they are mindful of the fact, perhaps more so than we were at that hearing, that the process had to be completed, and even if they don't extend the time, more money is needed. There seems to be prodding on the part of one of those agencies toward the other to provide such money through reprogramming as may be necessary, and the one agency has said that they will try to find some way to help us in court reporting facilities. That notwithstanding we don't have to [inaudible], so it behoves us to save such money as we can here on the floor. And that is something we might think about in the course of exercising our rights as delegates and our insistence on democratic procedure.

MS. JONES: I think we ought to say here that it has been projected for May that we will spend \$8,805 in court reporting services.

MR. COATES: Mr. President, it was my concern that we do not stand on a corner begging from one agency to the other, but that we formally make our request to those two which are responsible for expending public monies, namely, the Mayor and the D. C. City Council.

And I just wanted to be certain that we had formally lodged a request through that normal channel, notwithstanding the beneficence of anybody else who might have loaned us some paper or whatever, to formally request additional funding for the legitimate purposes of this Convention.

MR. BALDWIN: President Cassell?

MR. CASSELL: Before a motion is made, Delegate Coates, we have done that; we have made a request to the City Council, we have not made a formal request to the Mayor, since they are funding us now, and have been asked to look at whether they need to continue or enhance their funding. It might be well for us, as you suggest, to put that in writing, and on the advice of yourself and others I will do that.

MS. JONES: Delegate Love?

MR. LOVE: I don't know if the other delegates would agree, but it seems to me that if there is a shortfall, what we need first to do is accept this report, and second of all to ask our treasurer to decide how much the shortfall

is going to be, and then, third, ask her to explore ways, including the idea that delegates may give back their per diem in order to make that shortfall up.

So I would like to so move, that we receive this report, that we ask our treasurer to come up with some idea of how much the shortfall is, and then ask her to make recommendations to the body, including the possibility that delegates will fork over some of their stipend.

MR. ROBINSON: Second.

MR. BALDWIN: It's been moved and properly seconded that we receive the report of the treasurer.

Madame Treasurer, are you in a position at this point to come up with a recommendation?

MS. JONES: I will be making a recommendation with a projection on May on Saturday, but I move the report for April.

VOICE: Second.

MR. BALDWIN: It's been moved and properly seconded that we adopt the report for April.

Delegate Love, I don't think she is in a position to give you the type of information that you say would be needed to make any further action.

MR. LOVE: I'm sorry, I thought I heard Delegate

Jones say that on Saturday she would come up with a report ready for us that would include the projected shortfall and some recommendations.

MR. BALDWIN: Yes, I understand that, too, for Saturday, not tonight.

So what you are saying, then, is that we just hold off any action until Saturday.

MR. LOVE: Hold off, yes; no use debating it until we have some figures.

MR. BALDWIN: Is that the consensus of the group? By consensus, so ordered.

MS. JONES: I think Delegate Talmadge Moore has a question.

MR. T. MOORE: I had one question. Delegate Love asked a question that I was going to ask. But I wanted to know, have you computed the amount of funds that you are going to need to do the printing out to the 29th of May?

MS. JONES: Yes, that was a topic of discussion today, and we have asked our person to give us the figures for the printing not just of the Constitution, and it was decided in executive committee that we would print as many constitutions as we could; we also have to have money for the historian's work, and we also need to have some money for

the celebration and the signing of this Constitution.

Any other questions? Please be mindful of what the court reporter costs, what has been projected for May, and also please be mindful of the fact that the secretaries are also costing a handsome sum.

Brian Moore?

MR. B. MOORE: Yes, how much did you say it has cost for reporters?

MS. JONES: I don't have that figure handy, but it is projected for the month of May, which is our heaviest, \$8,805. And every time you call for a roll call, remember now, we pay dear for the pages.

MR. BALDWIN: Thank you, Delegate Jones. Will the Judiciary Committee come forward, please.

[Delegate Jones comes forward]

MS. JONES: Will the Committee on Style and Drafting please come forward.

[Committee members come forward]

MR. BALDWIN: We will follow the identical same rules that we did for second reading of the preamble. Let's read the entire section, section by section; point out to us where you discovered inconsistencies, and then make motions of whatever would be required to correct those. If there are

not any, as you read each section, then you would say to us there are no inconsistencies, and keep moving.

This is the second reading, fellow delegates, of the Judiciary Committee.

MS. GRAHAM: Mr. President, we would like to present to you the second reading of the Judiciary Committee's report. We will begin with Section 1, Judicial Power. If you will look at lines 2 through 6, I shall read that.

"The judicial power of the State shall be vested in a unified judicial system, consisting of a Supreme Court, a Superior Court, and such inferior courts as may be established by law. All such courts shall be courts of record."

We made no change with that, maybe just a little; we questioned some things, but we let them stay almost as they were. And the only changes that we made may have been to be sure that the structure was correct.

Shall I proceed?

MR. BALDWIN: Yes, you may. I would think, for the record, if I were you, as I complete each section, I would ask whether there are ---

MS. GRAHAM: Section 2, Supreme Court.

MR. ROBINSON: Point of information, Mr. President.

MR. BALDWIN: Yes, Delegate Robinson.